CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

NOVEMBER 2, 2004

**INVOCATION:**
Pastor Keith Williams of Life Way Fellowship gave the invocation.

**PLEDGE OF ALLEGIANCE TO THE FLAG:**
Councilmember Orach led the pledge of allegiance.

**CALL TO ORDER:**
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

**ROLL CALL:**
**MEMBERS PRESENT**
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino.

**STAFF MEMBERS PRESENT:**
City Manager Ness, Assistant City Manager Haydon, Interim City Attorney Stockton, Director of Administrative Services Snodgrass, Director of Public Works Karp, Police Chief Macagni, Director of Utilities Chisam, Fire Chief Ortiz, Director of Recreation and Parks Posada, Planning Division Manager Bierdzinski, and Chief Deputy City Clerk Perez.

**ANNOUNCEMENTS**
Mayor Lavagnino announced that members of the audience who wished to speak during the Public Comment period could not tell people how to vote as State law prohibits any electioneering within 100 feet of a polling place, and there was a polling place right outside the Council Chambers in the hallway.

**RESOLUTION – MILITARY APPRECIATION NIGHT**
Councilmember Trujillo read a resolution designating the evening of Saturday, November 13, 2004, as "Military Appreciation Night" when Vandenberg Air Force Base personnel will be honored at a special half-time event at the football game between the Allan Hancock College Bulldogs and the Santa Barbara City College Vaqueros.

Resolution No. 2004-200 was adopted on motion by Councilmember Trujillo, seconded by Councilmember Patino, and carried on the following vote:

| | |
|---|---|
| AYES: | Councilmembers Mariscal, Orach, Patino, Trujillo, Mayor Lavagnino |
| NOES: | None |
| ABSENT: | None |
| ABSTAIN: | None |

Resolution No. 2004-200 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, DESIGNATING SATURDAY, NOVEMBER 13, 2004, AS MILITARY APPRECIATION NIGHT.

Councilmember Trujillo presented the resolution to Roger Welt, Allan Hancock College. Also present were Bob Hatch, Santa Maria Valley Chamber of Commerce, and Dave Cross, Santa Maria Valley Economic Development Association.

**PROCLAMATION – KEY CLUB WEEK**
Councilmember Mariscal read a proclamation declaring the week of November 1st through 7th as "Key Club Week" in the City of Santa Maria and urged all citizens to support the members of this organization who are preparing themselves to be better, more responsible citizens as they provide meaningful service to our community. He presented the proclamation to Jannelle Fleenor, Lt. Governor of the Central Coast Key Club.

**CONSENT CALENDAR**
Consent Calendar Items A through J were accepted and approved with the indicated action on motion by Councilmember Orach, seconded by Councilmember Trujillo, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

**A. ORDINANCES**
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar will be adopted by the same vote cast at the first reading unless City Council indicates otherwise.

**B. MINUTES**
The Minutes of the Regular City Council Meeting of October 19, 2004, were approved as submitted.

**C. BOND RELEASE**
Council accepted as complete the installation of street and easement trees and authorized the release of the Street Tree Bond for Westridge, Tract 5678, in the amount of $9,163.

**D. BOND RELEASE**
Council accepted as complete the public improvements and authorized the release of the Faithful Performance Bond for Dal Porto Villas, Tract 5790, in the amount of $93,000, with the order that the Contractor, Labor and Material Bond be held until May 2005 and the Guarantee and Defective Material Bond be held until November 2005.

**E. RESOLUTION COMMENDING TOM UMENHOFER**
Resolution No. 2004-201 was adopted commending Tom Umenhofer for his 12 years of dedicated service as the public member to the Local Agency Formation Commission (LAFCO) to be presented at the next LAFCO meeting on November 4, 2004.

Resolution No. 2004-201 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, COMMENDING TOM UMENHOFER FOR MANY YEARS OF DEDICATED SERVICE TO THE COMMUNITY OF THE SANTA BARBARA COUNTY.

**F. SUPPORTING LEGISLATION**
Resolution No. 2004-202 was adopted supporting legislation amending the Americans with Disabilities Act (ADA) to require notice prior to filing legal action for violations of the ADA.

Resolution No. 2004-202 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, SUPPORTING LEGISLATION AMENDING THE AMERICANS WITH DISABILITIES ACT TO REQUIRE NOTICE PRIOR TO FILING LEGAL ACTION.

**G. WARRANTS**
Warrant Nos. 115929 to 116253 in the amount of $3,005,009.51 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 108562, 107618, 109628, 115476, 115642, and 115970 were cancelled.

**H. PAYROLL**
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads as shown on records on file in the Administrative Services Department and having been approved for payment by the Director of Administrative Services.

**I. ORDINANCE NO. 2004-17**

Council conducted the second reading of Ordinance No. 2004-17 amending Section 7-8.04 of the Municipal Code to establish vehicle weight limit restrictions on Taylor Street from Broadway (State Route 135) to Blosser Road pursuant to Section 35701 of the California Vehicle Code and adopted the Ordinance.

Ordinance No. 2004-17 adopted. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA AMENDING CHAPTER 7-8, VEHICLE WEIGHT LIMIT, OF THE SANTA MARIA MUNICIPAL CODE.

**J. NOTICE OF INTENT TO ANNEX**

Resolution No. 2004-203 was adopted expressing the Council's intent to annex Santa Maria-Bonita Junior High School #3, Liberty II Elementary School and Palisades Gas and Wash into the Northwest Landscape and Lighting District; Faith Korean Church into the South Miller Street/South College Drive Landscape and Lighting District; and Westgate Elementary School, Radco Exteriors and Mainline Autobody into the Southwest Landscape and Lighting District.

Resolution No. 2004-203 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, INITIATING PROCEEDINGS AND DECLARING THE INTENTION TO ANNEX TERRITORY TO ASSESSMENT DISTRICTS PURSUANT TO THE "LANDSCAPE AND LIGHT ACT OF 1972" (SANTA MARIA-BONITA JUNIOR HIGH #3, LIBERTY II ELEMENTARY SCHOOL, PALISADES GAS AND WASH, FAITH KOREAN CHURCH, WESTGATE ELEMENTARY SCHOOL, RADCO EXTERIORS AND MAINLINE AUTOBODY).

**PUBLIC COMMENT**

Ernest Armenta requested another location be found for the polling place since it prohibited his right to speak on any subject or issue on the ballot at the Council meeting.

**ZONING TEXT AMENDMENT – MIXED USES**

Planning Division Manager Bierdzinski gave the staff report. This zoning text amendment will add Chapter 49 to the Zoning Ordinance, Title 12 of the Municipal Code, and would allow mixed use developments in most zoning districts with specific design and performance standards. Mixed-use developments may be permitted or conditionally permitted through a Planned Development Permit or a Conditional Use Permit. The Mixed Use Ordinance is an important tool for providing opportunities and regulations for the mixing of residential, commercial and industrial uses in appropriate locations. The purpose of the ordinance is to provide an appropriate balance and scale of development and bring uses that are compatible within closer proximity of each other. Mixing uses that are compatible with one another can benefit both the owners and occupants of the businesses and residences as well as the City as a whole. Mixed use is seen as a way of breathing new vitality into the downtown core and other commercial locations, reducing blight and encouraging forms of transportation other than the automobile. The Mixed Use Ordinance contains development standards that are designed to reduce or eliminate negative impacts that may be associated with the close proximity of commercial, residential and industrial uses. The ordinance also furthers the goals of the Economic Development Element. The Planning Commission considered the proposed ordinance at its meeting of October 6, 2004, and adopted Resolution No. 2348 on a 5-0 vote recommending that the City Council file a Negative Declaration for the zoning text amendment. The Planning Commission also adopted Resolution No. 2349 on a 5-0 vote recommending that the City Council adopt the Mixed Use Ordinance.

Councilmember Mariscal asked why the live-work units were limited to 1,500 square feet.

Planning Division Manager Bierdzinski responded that the 1,500 square foot limit was a reasonable number which could be changed in the future. This was a new ordinance that would probably be changed over time.

Councilmember Mariscal asked how the live-work units would handle restrooms for the public and the disabled. Would they have to be handicapped accessible?

Planning Division Manager Bierdzinski replied that the live-work units would have to comply with the Uniform Building Code and the Americans with Disabilities Act which did address live-work situations.

Mayor Lavagnino opened the public hearing.

Bill Orndorff spoke in favor of the proposed ordinance.

Hearing no further public testimony, Mayor Lavagnino closed the public hearing.

Councilmember Trujillo commended staff for the ordinance and felt the ordinance would help alleviate a lot of issues such as housing.

Mayor Lavagnino stated this ordinance was a "back to the future" ordinance and explained that his family grew up living over the family store.

Councilmembers Patino and Mariscal reported that at the Workforce Housing public meeting, this ordinance was discussed and it was an exciting idea.

Resolution No. 2004-204 was adopted approving a Negative Declaration for E-2004-039 on motion by Councilmember Mariscal, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2004-204 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING A NEGATIVE DECLARATION (E-2004-039) FOR ZONING TEXT AMENDMENTS, Z-2004-002.

Ordinance No. 2004-18 was introduced by title only for first reading and continued to the next meeting for second reading and adoption adding Chapter 49 to Title 12 of the Santa Maria Municipal Code relating to Mixed-Use Development Standards on motion by Councilmember Mariscal, seconded by Councilmember Orach, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2004-18 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, APPROVING THE ADDITION OF CHAPTER 49 (MIXED-USE DEVELOPMENT STANDARDS) TO TITLE 12 OF THE SANTA MARIA MUNICIPAL CODE, Z-2004-002.

**SUPPLEMENTAL WATER CHARGE ORDINANCE**

Director of Utilities Chisam gave the staff report. Southern California Water Company (Cal Cities) and the City maintain water service to overlapping public water service areas. The City has made a substantial investment in supplemental water supplies, conveyance and distribution systems, which includes some areas served by Cal Cities. This ordinance is being proposed for residents of new projects in the City receiving water service from Cal Cities in order to accurately reflect the reasonable cost of providing water service to residents who will be served by Cal Cities. Under the ordinance, these new Cal Cities customers would pay the same water rate as City ratepayers. The charge would be imposed only upon Cal Cities customers in the City limits, in projects that initiate water service after the effective date of the ordinance. Imposition of the charge would not be automatic; water service would be furnished only upon the request of the customer. The charge would be based on reasonable estimates of the demand placed upon the City in its role to make and secure water resource investments to improve water supplies for the

Santa Maria service area and would vary depending upon the amount of water used by the customer.

Mayor Lavagnino opened the public hearing.

Ernest Armenta expressed concern that City residents served by Cal Cities Water were not paying the same water rates as residents served by City water. He requested the Council go to the Public Utilities Commission and get that changed so all City residents paid the same amount.

Director Chisam explained that these residents served by Cal Cities Water did not have State Water which was why the rates were different from residents served by the City.

Hearing no additional public testimony, Mayor Lavagnino closed the public hearing.

Ordinance No. 2004-19 was introduced by title only for first reading and continued to the next meeting for second reading and adoption establishing supplemental water charges for residents of new projects in the City receiving water service from Southern California Water Company (Cal Cities) on motion by Councilmember Orach, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Ordinance No. 2004-19 introduced. AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA ESTABLISHING SUPPLEMENTAL WATER CHARGES.

**FIRST QUARTER FINANCIAL REPORT**

Director of Administrative Services Snodgrass gave the staff report. With 25 percent of the year complete, revenues are at 25.2 percent of projections while expenditures are at 27.7 percent of projections. Revenues are on track with budget and higher than the prior year. Revenues received are $.9 million higher than the prior year, while expenditures are $3.7 million higher than the prior year. The increase in expenditures is due primarily to the $3.4 million early retirement of the 1993 bonds. Factoring out the bond payment, General Fund expenses are 19.5 percent of budget or 5.5 percent under the 25 percent benchmark. The top five revenue sources account for about 59 percent of total General Fund revenues. The top two revenues, sales tax and vehicle license fees (VLF), account for 40 percent and are directly tied to the economy. Sales tax and bed tax revenues exceed projections, while VLF and license and permit revenues fell below historical norms. The Water/Wastewater Fund continues to have long-term commitments. It currently is in agreement with all of its rate restrictions and rate covenants. Additionally, staff is recommending approval of a budget amendment report.

Resolution No. 2004-205 was adopted approving personnel and operational changes to the 2004-05 fiscal year budget on motion by Councilmember Mariscal, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2004-205 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, APPROVING PERSONNEL AND OPERATIONAL CHANGES FOR 2004-05.

**REPORT BY CITY MANAGER:**

City Manager Ness reported on items for the November 16, 2004, City Council meeting including public hearings for Housing Element Amendments and the South Miller Transit Center General Plan Amendment and Zone Change; the Workforce Housing Report; the SMAT 2003-04 Annual Report; and the naming of the Robin Ventura Ballpark.

**ORAL REPORTS OF COUNCILMEMBERS**

Councilmember Trujillo reported that he had the pleasure of presenting a proclamation to Lawnae Hunter, one of the City's Planning Commissioners, in honor of her being named "Entrepreneur of the Year."

Councilmember Patino reported that she had the privilege of working at the polls at Mussel Senior Center and thanked everyone who volunteered to work at the polling places and the voters for coming out to vote.

Councilmember Mariscal reported on an upcoming historical meeting on November 11th between the Santa Barbara County Association of Governments (SBCAG), its counterpart in Ventura (VCOG), and the Southern California Association of Governments (SCAG), which includes Los Angeles County, Orange County, Imperial County, and San Diego County. It is the first time a meeting like this has ever taken place. The purpose of the meeting will be to discuss regional transportation issues. It is important for Santa Maria to participate as it is on the northern end of this region.

Councilmember Mariscal also reported on the last SBCAG meeting where it was agreed that Measure D funds would be reallocated to recognize those communities that have grown. It will mean an additional $350,000 to $500,000 for Santa Maria.

Councilmember Orach reported on the final meeting of the Downtown Specific Plan which will be held on November 10th from 6:30 p.m. to 8:30 p.m. in the community room at the mall.

**CLOSED SESSION**

The City Council adjourned to Closed Session at 7:15 p.m. for Conference with Legal Counsel regarding existing litigation pursuant to Subsection (a) of Government Code Section 54956.9 to discuss Santa Maria Valley Water Conservation District v. City of Santa Maria, and Conference with Labor Negotiator pursuant to Government Code Section 54957.6, Agency representative: Assistant City Manager, Employee organization: Service Employees International Union (SEIU), Local 620.

After the Closed Session, the following was announced:

Santa Maria Valley Water Conservation District v. City of Santa Maria – Status report.

Conference with Labor Negotiator re: SEIU – Status report. Direction to Labor Negotiator.

**ADJOURNMENT**

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 7:36 p.m. by order of Mayor Lavagnino.

APPROVED November 16, 2004
Date

Patricia A. Peters
Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

ATTEST Patricia A. Peters
Chief Deputy City Clerk

S. S. Lavagnino
Mayor of the City of Santa Maria